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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/720,350	11/25/2003	Sang-Ho Lee	P24468	3895
7055 7590 02/02/2009 GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191				
EXAMINER				
LEE, MICHAEL				
ART UNIT		PAPER NUMBER		
2622				
NOTIFICATION DATE		DELIVERY MODE		
02/02/2009		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gbpatent@gbpatent.com  
pto@gbpatent.com

### Office Action Summary

**Application No.**

10/720,350

**Applicant(s)**

LEE, SANG-HO

**Examiner**

M. Lee

**Art Unit**

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 September 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 4, 7-9, 16-18 and 20-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1, 4 and 7-9 is/are allowed.
- 6) ☒ Claim(s) 16, 17 and 20-24 is/are rejected.
- 7) ☒ Claim(s) 18, 25, 26 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/02)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. Please disregard non-responsive communication mailed on 12/24/08 because applicant's response is deemed responsive in view of communication received on 1/26/09. The Office apologizes any inconvenience might have caused to the applicant.

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 16, 17, and 20-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Applicant's prior art admission, Figures 1-5.

Regarding claim 16, the admitted prior art shows a low-surface chassis (20), a slide chassis (30), a back-and-forth motion member (60), a motor (53), a bracket (21), a main printed circuit board (15), a secondary printed circuit board (11), an inherently included connector on the circuit board 11, and an inherently included cable. The last two elements are inherently included in the admitted prior art because the circuit board 11 and the main control circuit 15 must be connected together by some electrical wiring means in order to communicate with each other. Thus, the admitted prior art anticipates the claimed invention.

Regarding claims 17 and 20, note Figure 4.

Regarding claims 21-24, in addition of above, the motor 50 is exposed to the viewer on the bottom side. In another words, the viewer can gain access to the motor from the bottom side of the slide chassis.

### ***Double Patenting***

4. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

5. Claims 1, 16, and 21 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 7,224,579 in view of applicant's admitted prior art. Although the conflicting claims are not identical, they are not patentably distinct from each other because the main printed circuit board, the secondary printed circuit board, the motor part, the back-and-forth motion member, the connector, and the cable of current claimed invention are obvious parts an AV

monitor tilting system as disclosed by applicant's admitted prior art. For instance, the slide chassis of the patented claim 1 would not slide if it does not include some sorts of motor, gear, cable, and control circuit boards. Applicant's admitted prior art clearly teaches the need of such elements in order for sliding mechanism to operate properly. Thus, it would have been obvious to one of ordinary skill in the art to include the motor, gear, cable, and control circuit boards of the admitted prior art into the current claims to perform the well known functions as claimed.

***Allowable Subject Matter***

6. Claims 1, 4, and 7-9 are allowed.
7. Claims 18 and 25-26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

8. Applicant's arguments filed 9/24/08 have been fully considered but they are not persuasive.

Regarding applicant's argument that the admitted prior art (APA) does not teach that the monitor 15 is attached to the main body as claimed, the Examiner disagrees. The main body in the APA includes both the monitor 15 and the control circuitries.

Regarding applicant's argument that the main body in the APA does not include the "main printed circuit board" and the secondary circuit board as claimed, the examiner disagrees. As set forth in the Office Action, the APA includes a "main printed circuit board" and a "secondary circuit board" because it has a circuit board at the motor

drive 11 location for controlling the operations of the motor and another circuit board at the monitor 15 area for controlling the operations of the circuit board at the motor drive location such as initiation of the tilting angle of the monitor 15. Since applicant fails to specify the functions of the claimed "main printed circuit board" and the claimed "secondary circuit board", they are met by the circuit board located at the monitor 15 and the circuit board located at the motor drive 11, respectively.

Regarding applicant's argument that the "secondary circuit board" is not attached to the motor part as claimed, the examiner disagrees. Broadly interpreted, the circuit board 11 is attached to the motor part through element 21.

Regarding applicant's argument that the motor part cannot be inspected or accessed without removing the circuit board 11, the examiner disagrees. As set forth in the rejection, the motor part 50 can be inspected and accessed from the bottom of the unit. As shown in Figure 4, the motor can be removed from the rear side of the unit and the gears and motor can be visual inspected from the bottom of the unit.

In view of foregoing arguments, it is clear that applicant fails to overcome the APA. As a result, the rejection stands.

### ***Conclusion***

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Lee whose telephone number 571-272-7349. The examiner can normally be reached on Monday through Thursday from 9 to 6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran, can be reached on 571-272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/M. Lee/  
Primary Examiner  
Art Unit 2622